**THE HON'BLE Dr. JUSTICE G. YETHIRAJULU**

**W.P.No.10812 of 1993**

**Dated this 23rd day of December, 2005**

Between:

Smt. K. Sachi Devi,

W/o. A Mallikarjunarao,

Sundaram Indsutries, 20-1109,

Industrial Development Area,

Rajahmundry, East Godavari District.

… **Petitioner**

and

The Regional Manager,

Region IV, State Bank of India,

Zonal Office, A.P.S.R.T.C. building,

Visakhapatnam, and 2 others

… **Respondents**

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**ORDER**:

The petitioner approached this Court through this writ petition seeking to call for the records and quash the orders of the second and third respondents dated 05-07-1990 and
06-11-1990 respectively and to direct the respondents to reinstate the petitioner into service with all attendant benefits including back wages.

The petitioner entered the service of the respondent-Bank as a Clerk-cum-Cashier on 21-04-1980. She was appointed in the vacancy reserved for scheduled caste candidates on the basis of a certificate produced by her believing that she belongs to scheduled caste. Subsequently, it was discovered that the petitioner does not belong to scheduled caste and she obtained employment by producing a false caste certificate. In pursuance of that, a Memo was issued to her calling for her explanation and to show cause as to why she shall not be removed from the service. She approached this Court through a writ petition challenging the Memo issued by the respondent-Bank and the writ petition was dismissed by this Court. Subsequently, an enquiry was conducted. Under the enquiry it was proved that she produced a false certificate and obtained employment by deceiving the authorities of the respondent-Bank.

On 02-03-1990 she was removed from service. An appeal preferred by her to the second respondent was rejected on

05-07-1990 and a revision filed to the third respondent was also dismissed on 06-11-1990. Subsequently, the petitioner approached this Court through this writ petition seeking the relief as mentioned above.

The petitioner concedes that her caste was mentioned as ‘Jangam’ in her school record, but she asserts that though she belongs to ‘Budaga Jangam’, her caste was mentioned as only ‘Jangam’, therefore, she belongs to scheduled caste and the order passed by the respondents removing from the service is liable to be set aside.

The petitioner did not point out any illegality or procedural irregularity in conducting the enquiry and issuing the orders of removal. The petitioner did not place any other material to show that she belongs to ‘Budaga Jangam’ caste, which is included in the list of scheduled castes under the presidential notification.

The present legal position is very clear that any candidate who is seeking reservation that he belongs to scheduled caste or scheduled tribe, shall declare that he belongs to a particular caste as mentioned in the presidential notification. Any caste not mentioned in the presidential notification cannot be recognized as a scheduled caste or scheduled tribe. Since the petitioner did not place any material to show that she belongs to ‘Budaga Jangm’ caste, the respondents were right in coming to a conclusion that she is not entitled for appointment in the reserved vacancy.

The learned counsel for the petitioner submits that the Collector of Nellore District issued a Memo mentioning that ‘Budaga Jangam’ caste is not prevalent in Nellore District.

The said Memo was quashed by a Division Bench of this Court in W.P.Nos.7548 of 1983, 7356 of 1984 and 10302 of 1984 and the judgment of the Division Bench was also affirmed by the Supreme Court.

So far as the Memo is concerned, it is only general in nature mentioning about the population of ‘Budaga Jangam’ caste. It will not come to the rescue of the petitioner regarding the establishment of the genuineness of her caste.

In the light of the above circumstances, the petitioner is not entitled for any relief as prayed for.

The writ petition is, accordingly, dismissed. No order as to costs.

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**Dr.G. YETHIRAJULU, J**

Date: 23-12-2005

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